

The Hon. James L. Robart

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

JESUS RUIZ-HERNANDEZ, a/k/a,
CHRISTO JESUS ESCOBAR SOLARES,

Defendant,

and

LUIS ALFONSO RUIZ-HERNANDEZ,

Petitioner.

NO. CR22-197-JLR

**ORDER DISMISSING PETITION OF
LUIS ALFONSO RUIZ-HERNANDEZ**

THIS MATTER comes before the Court on the United States’ Motion to Dismiss Petition of Luis Alfonso Ruiz-Hernandez, in which the United States seeks dismissal, pursuant to Federal Rule of Criminal Procedure 32.2(c)(1)(A), of the petition (the “Petition”) filed by Petitioner Luis Alfonso Ruiz-Hernandez (“L. Ruiz-Hernandez”), Dkt. No. 308, in the ancillary proceeding in this matter for forfeiture of the following real property that is included in the Preliminary Order of Forfeiture, Dkt No. 283, (the “240th St. Property”):

1 The real property located at 6113 SW 240th St., Vashon, WA 98070; King
2 Co. Parcel No. 222203-9022 with abbreviated legal description S 636.5 FT
3 OF N 661.5 FT OF W 664.8 FT OF NE 1/4 OF NW 1/4.
4

5 The Court, having reviewed the United States' Motion, as well as the other papers
6 and pleadings filed in this matter, hereby FINDS:

7 1. The United States published notice of the pending forfeitures as required by
8 21 U.S.C. § 853(n)(1) and Federal Rule of Criminal Procedure 32.2(b)(6)(C),
9 Dkt. No. 292, and provided direct notice to potential claimants as required by Fed. R.
10 Crim. P. 32.2(b)(6)(A), *see* Declaration of AUSA Jehiel Baer in Support of Motion to
11 Dismiss Petition ("Baer Decl.") ¶ 3, Exhibits A–C.

12 2. Petitioner L. Ruiz-Hernandez filed the Petition in the ancillary proceeding
13 claiming an interest in the 240th St. Property. Dkt. No. 308.

14 3. The Petition filed by L. Ruiz-Hernandez did not set forth facts, which, even
15 if assumed to be true, would satisfy all elements necessary for recovery, including those
16 relating to standing.

17 4. Specifically, the Petition does not allege an ownership, possessory, or other
18 interest sufficient to confer standing on L. Ruiz-Hernandez; the Petition does not set forth
19 facts that could plausibly establish by a preponderance of the evidence a property interest
20 under Washington State law; and the Petition does not set forth facts that could plausibly
21 establish by a preponderance of the evidence the elements set forth in either 21 U.S.C.
22 §§ 853(n)(6)(A) or (B).
23

24 NOW, THEREFORE, THE COURT ORDERS:

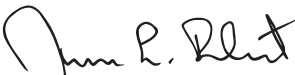
25 1. Pursuant to Federal Rule of Criminal Procedure 32.2(c)(1)(A), the Petition
26 filed by Luis Alfonso Ruiz-Hernandez, Dkt. No. 308, is hereby DISMISSED with
27 prejudice.

2. This Order shall not affect the rights of any other third party who has filed a timely petition in this ancillary proceeding asserting an interest in property subject to forfeiture.

3. The Court will retain jurisdiction for the purpose of enforcing this Order, adjudicating any remaining third-party petitions, entering a Final Order of Forfeiture, and amending the Preliminary Order or Final Order as necessary pursuant to Fed. R. Crim. P. 32.2(e).

IT IS SO ORDERED.

DATED this 3rd day of September, 2024.



THE HON. JAMES L. ROBART
UNITED STATES DISTRICT JUDGE

Presented by:

s/ Jehiel I. Baer
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